

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FEDELITA OBSUNA, et al.

No. CV 11-00219 EJD (PSG)

Plaintiffs,

v.

**ORDER TO SHOW CAUSE WHY
SUMMONS AND COMPLAINT HAVE
NOT BEEN SERVED IN COMPLIANCE
WITH RULE 4 OF THE FEDERAL
RULES OF CIVIL PROCEDURE**

AMERICAN GENERAL FINANCE
SERVICES, et al.,

Defendants.

On January 14, 2011, Plaintiffs Fedelita Obsuna and Jacinto Obsuna (collectively, "Plaintiffs") filed a complaint with this Court. (See Docket Item No. 1.) That same day, the Court issued a summons to Defendants American General Finance Services, AG Documentation Services, Bank of America, N.A., PRLAP, Inc., and ROE Corp. (See Docket Item No. 2.)

To date, Plaintiffs have filed no documents to show proof of service of the summons and complaint on any of the named Defendants to establish they have complied with Rule 4(l) and (m) of the Federal Rules of Civil Procedure, nor have any of the aforementioned Defendants appeared in this action.

///

DISCUSSION

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

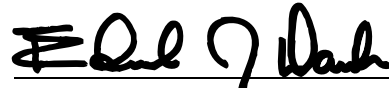
If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

More than 120 days have elapsed since Plaintiff filed the summons and complaint in this action. Thus, this Court ORDERS Plaintiffs, no later than June 7, 2011, to show cause in writing why Plaintiffs have failed to: (1) file documents to show proof of service of the summons and complaint on the aforementioned Defendants to comply with Rule 4(l) of the Federal Rules of Civil Procedure; and (2) accomplish service of the summons and complaint on the aforementioned Defendants within 120 days of filing the complaint to comply with Rule 4(m) of the Federal Rules of Civil Procedure.

Plaintiffs are admonished that this Court will dismiss this action if Plaintiffs fail to comply with this Order and to show good cause for their failure to accomplish service of the summons and complaint.

IT IS SO ORDERED.

Dated: May 24, 2011



EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE